

# Calendar No. 1100

110TH CONGRESS  
2D SESSION

# S. 967

To amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees.

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## IN THE SENATE OF THE UNITED STATES

MARCH 22, 2007

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 1 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. LIEBERMAN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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## A BILL

To amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Federal Supervisor  
5 Training Act of 2007”.

1 **SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPER-**  
 2 **VISORS.**

3 (a) IN GENERAL.—Section 4121 of title 5, United  
 4 States Code, is amended—

5 (1) by inserting before “In consultation with”  
 6 the following:

7 “(a) In this section, the term ‘supervisor’ means—

8 “(1) a supervisor as defined under section  
 9 7103(a)(10);

10 “(2) a management official as defined under  
 11 section 7103(a)(11); and

12 “(3) any other employee as the *Director of the*  
 13 *Office of Personnel Management* may by regulation  
 14 prescribe.”;

15 (2) by striking “In consultation with” and in-  
 16 serting “(b) Under operating ~~standards~~ *competencies*  
 17 promulgated by, and in consultation with,”; and

18 (3) by striking paragraph (2) (of the matter re-  
 19 designated as subsection (b) as a result of the  
 20 amendment under paragraph (2) of this subsection)  
 21 and inserting the following:

22 “(2)(A) a program to provide interactive in-  
 23 structor-based training to supervisors on actions, op-  
 24 tions, and strategies a supervisor may use in—

25 “(i) developing and discussing relevant  
 26 goals and objectives together with the employee,

1 communicating and discussing progress relative  
2 to performance goals and objectives and con-  
3 ducting performance appraisals;

4 “(ii) mentoring and motivating employees  
5 and improving employee performance and pro-  
6 ductivity;

7 “(iii) effectively managing employees with  
8 unacceptable performance;

9 “(iv) addressing reports of a hostile work  
10 environment, reprisal, or harassment of, or by,  
11 another supervisor or employee; and

12 “(v) otherwise carrying out the duties or  
13 responsibilities of a supervisor;

14 “(B) a program to provide interactive instruc-  
15 tor-based training to supervisors on the prohibited  
16 personnel practices under section 2302 (particularly  
17 with respect to such practices described under sub-  
18 section (b) (1) and (8) of that section) and the pro-  
19 cedures and processes used to enforce employee  
20 rights; and

21 “(C) a program under which experienced super-  
22 visors mentor new supervisors by—

23 “(i) transferring knowledge and advice in  
24 areas such as communication, critical thinking,

1 responsibility, flexibility, motivating employees,  
 2 teamwork, and professional development; and  
 3 “(ii) pointing out strengths and areas for  
 4 development.

5 “(c)(1) Not later than 1 year after the date on which  
 6 an individual is appointed to the position of supervisor,  
 7 that individual shall be required to have completed each  
 8 program established under subsection (b)(2).

9 “(2) After completion of a program under subsection  
 10 (b)(2) (A) and (B), each supervisor shall be required to  
 11 complete a program under subsection (b)(2) (A) and (B)  
 12 at least once ~~during each 3-year period~~ every 3 years.

13 “(3) Each program established under subsection  
 14 (b)(2) shall include provisions under which credit shall be  
 15 given for periods of similar training previously completed.

16 “(d) Notwithstanding section 4118(c), the *Director of*  
 17 *the* Office of Personnel Management shall prescribe regu-  
 18 lations to carry out this section, including the monitoring  
 19 of agency compliance with this section. *Such regulations*  
 20 *shall include measures by which to assess the effectiveness*  
 21 *of agency supervisor training programs.”.*

22 (b) REGULATIONS.—Not later than 180 days after  
 23 the date of enactment of this Act, the *Director of the* Office  
 24 of Personnel Management shall prescribe regulations in  
 25 accordance with subsection (d) of section 4121 of title 5,

1 United States Code, as added by subsection (a) of this  
2 section.

3 (c) EFFECTIVE DATE AND APPLICATION.—

4 (1) IN GENERAL.—The amendments made by  
5 this section shall take effect 180 days after the date  
6 of enactment of this Act and apply to—

7 (A) each individual appointed to the posi-  
8 tion of a supervisor, as defined under section  
9 4121(a) of title 5, United States Code, (as  
10 added by subsection (a) of this section) on or  
11 after that effective date; and

12 (B) each individual who is employed in the  
13 position of a supervisor on that effective date as  
14 provided under paragraph (2).

15 (2) SUPERVISORS ON EFFECTIVE DATE.—Each  
16 individual who is employed in the position of a su-  
17 pervisor on the effective date of this section shall be  
18 required to—

19 (A) complete each program established  
20 under section 4121(b)(2) of title 5, United  
21 States Code (as added by subsection (a) of this  
22 section), not later than 3 years after the effec-  
23 tive date of this section; and

1 (B) complete programs every 3 years  
 2 thereafter in accordance with section 4121(c)  
 3 (2) and (3) of such title.

4 **SEC. 3. MANAGEMENT COMPETENCY STAND-**  
 5 **ARDSCOMPETENCIES.**

6 (a) IN GENERAL.—Chapter 43 of title 5, United  
 7 States Code, is amended—

8 (1) by redesignating section 4305 as section  
 9 4306; and

10 (2) inserting after section 4304 the following:

11 **“§ 4305. Management competency stand-**  
 12 **ardscompetencies**

13 “(a) In this section, the term ‘supervisor’ means—

14 “(1) a supervisor as defined under section  
 15 7103(a)(10);

16 “(2) a management official as defined under  
 17 section 7103(a)(11); and

18 “(3) any other employee as the *Director of the*  
 19 *Office of Personnel Management* may by regulation  
 20 prescribe.

21 “(b) The *Director of the Office of Personnel Manage-*  
 22 *ment* shall issue guidance to agencies on ~~stand-~~  
 23 ~~ardscompetencies~~ supervisors are expected to meet in order  
 24 to effectively manage, and be accountable for managing,  
 25 the performance of employees.

1 “(c) Each agency shall—

2 “(1) develop ~~standards~~*competencies* to assess  
3 the performance of each supervisor and in devel-  
4 oping such ~~standards~~*competencies* shall consider the  
5 guidance developed by the *Director of the Office of*  
6 *Personnel Management* under subsection (b) and  
7 any other qualifications or factors determined by the  
8 agency;

9 “(2) assess the overall capacity of the super-  
10 visors in the agency to meet the guidance developed  
11 by the *Director of the Office of Personnel Manage-*  
12 *ment* issued under subsection (b); ~~and~~

13 “(3) develop and implement a supervisor train-  
14 ing program to strengthen issues identified during  
15 such assessment; *and*

16 “(4) *measure the effectiveness of the supervisor*  
17 *training program established under paragraph (3) in*  
18 *improving supervisor competence.*

19 “(d) Every year, or on any basis requested by the  
20 Director of the Office of Personnel Management, each  
21 agency shall submit a report to the Office on the progress  
22 of the agency in implementing this section, *including*  
23 *measures used to assess program effectiveness.”.*

24 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1           (1) TABLE OF SECTIONS.—The table of sections  
2           for chapter 43 of title 5, United States Code, is  
3           amended by striking the item relating to section  
4           4305 and inserting the following:

~~“4305. Management competency standards.~~

~~“4306. Regulations.~~

*“4305. Management competencies.*

*“4306. Regulations.”.*

5           (2) REFERENCE.—Section 4304(b)(3) of title 5,  
6           United States Code, is amended by striking “section  
7           4305” and inserting “section 4306”.



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